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10/016,905	12/14/2001	Michael Von der Geest	3107-237	9583

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EXAMINER
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HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
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3714

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DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,905

Applicant(s)

VON DER GEEST ET AL.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 13, 15-19, 22-39, 43-46, 48-56, 60-63 and 65-75 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 11, 12, 20, 21, 40-42, 47, 57-59 and 64 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

In response to the Amendment filed 2/26/04, Claims 1-75 are pending.

### ***Allowable Subject Matter***

The indicated allowability of claims 36-69 is withdrawn in view of reconsideration of Denison. See explanation in the rejection below in response to Applicant's arguments filed on 10/27/03.

### ***Claim Objections***

1. Claim 6 is objected to because of the following informalities: Line 9: "ore" should be "or". Appropriate correction is required.
2. Claim 14 is objected to because of the following informalities: Line 6: "sate" should be "state". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-3, 8-10, 15-17, 22-29, 31-38, 45, 48-55, 62, 65-74 are rejected under 35**

**U.S.C. 102(a) as being anticipated by Denison.**

1. [Claims 1, 36, 53, 70]: Regarding Claims 1, 36, 53, and 70, Denison discloses receiving evaluation data for said environment (i.e. survey) from at least one individual (i.e. co-workers) participating in said environment, said evaluation data representing impressions of said individual regarding said environment (i.e. perception of co-workers); providing model data (i.e. Summary Report) to an individual that is responsible at least in part for said environment (i.e. manager), said model data representing one or more dimensions of said environment (e.g. leadership skills and practices), said model data developed at least in part from said evaluation data, each of said one or more dimensions being associated with at least one characteristic (i.e. specific aspect) of said individual responsible for said environment; receiving (e.g. via Summary Report) from said individual responsible for said environment a selection of at least one of said one or more dimensions (i.e. specific aspects) of said environment; and providing said individual responsible for said environment an action plan for improving at least one characteristic associated with said selected dimension (i.e. Action Planning Guide). See pp.2 and 4. The co-workers' perception of the environment is considered to be evaluation data that represents the impression of the individual regarding the environment, as "perception" and "impression" are synonymous in meaning. While the surveys in Denison are directed to elicit information on an individual's skills and practices, the individual's skills and practice are considered to be an aspect/characteristic/dimension of the environment. The receiving of a summary

report by the individual responsible for the environment is considered to be receiving a selection of one or more dimensions of an environment from an individual as a summary report would contain all of the specific aspects of the environment evaluated. Denison indicates that the action plan is directed to improving specific areas of individual strength and weakness which are considered to be a dimension of an environment.

Denison's invention would have to be on a computer-readable medium encoded with a computer program (e.g. a hard disk), enabling it to be accessible on-line via the internet or an intranet. See p.4. Therefore, a computer-readable medium would have been an inherent feature of Denison's invention.

A data signal embodied in a carrier wave encoded with computer program code would have been an inherent feature of Denison's invention as a result of the invention being online. See p.4.

2. [Claims 2, 37, 54, 71]: Regarding Claims 2,37, 54, and 71, Denison discloses the step of receiving evaluation data for said environment from said individual that is responsible at least in part for said environment, said evaluation data representing an impression of said individual regarding said environment (i.e. manager's self perception/Self Assessment survey). See pp.2 and 4.

3. [Claims 3, 17, 38, 45, 55, 62]: Regarding Claims 3,17, 38, 45, 55, and 62, Denison discloses wherein said environment is a classroom teaching environment or a school environment (i.e. organization), said at least one individual participating in said environment includes a first plurality of students or a first plurality of employees (i.e. co-

workers) within said classroom teaching environment or school environment (i.e. organization), and said individual responsible for said environment is a classroom teacher or a head teacher (i.e. manager). See p.2.

4. [Claim 15]: Regarding Claim 15, Denison discloses receiving from at least one individual (e.g. manager) participating in said environment reevaluation data (e.g. via post-testing) for said selected environment, said reevaluation data representing impressions of said at least one individual regarding said environment (e.g. self-perception) at a time after said evaluation data is received (implied by post-testing), providing second model data to said individual responsible for said environment (i.e. manager), said second model data representing one or more dimensions of said environment (e.g. leadership skills and practices), said second model data developed at least in part from said reevaluation data. See pp.2-3.

5. [Claim 16]: Regarding Claim 16, comparing said model data (i.e. pre-testing) and second model data (i.e. post-testing) would have been an inherent feature of Denison's invention and is best understood by Examiner as a necessary process by which leadership development progress is tracked. See p.3 of Denison.

6. [Claims 8, 22]: Regarding Claims 8 and 22, Denison discloses receiving from a second plurality of students or employees (i.e. co-workers) reevaluation data (e.g. via post-testing) for said selected classroom teaching or school environment, said reevaluation data representing impressions of said second plurality of students or employees regarding said environment (i.e. perception) at a time after said evaluation data is received from said first plurality of students or employees (implied by post-

testing), providing second model data to said classroom teacher, said second model data representing one or more dimensions of said classroom teaching or school environment (e.g. leadership skills and practices), said second model data developed at least in part from said reevaluation data, each of said one or more dimensions being associated with at least one characteristic known to effect a respective dimension (i.e. specific aspect). See pp.2-3.

7. [Claims 9,23]: Regarding Claims 9 and 23, comparing said model data (i.e. pre-testing) and second model data (i.e. post-testing) would have been an inherent feature of Denison's invention and is best understood by Examiner as a necessary process by which leadership development progress is tracked. See p.3 of Denison.

8. [Claims 10, 24]: Regarding Claims 10 and 24, the second plurality of co-workers in Denison (e.g. performing the post-testing) can be considered to include one or more students or employees (i.e. co-workers) from the first plurality of students or employees (e.g. performing the pre-testing). See pp.2-3.

9. [Claims 25, 31, 48, 65,73]: Regarding Claims 25,31, 48, 65, and 73, Denison discloses said evaluation data received from said plurality of teachers or at least one individual participating in said environment (e.g. co-workers) include first leadership style data (e.g. leadership skills), said first leadership style data identifying a perception by said plurality of teachers (i.e. co-workers) of the use of a plurality of different leadership styles by said head teacher (i.e. manager); said first leadership style data identifying a perception of the use of a plurality of different leadership styles by said individual that is responsible for said environment (i.e. manager); said evaluation data

received from said head teacher of the use of said plurality of different leadership styles by said head teacher (i.e. self perception); said evaluation data received from said individual that is responsible at least in part for said environment (i.e. manager) include second leadership style data (i.e. self-perception) identifying a perception of said individual that is responsible for said environment of the use of said plurality of different leadership styles by said individual that is responsible for said environment. See p.2.

10. [Claims 26,32,49, 66, 74]: Regarding Claims 26,32, 49, 66, and 74, Denison discloses the step of providing leadership model data (i.e. Summary Report) representing usage of leadership styles by said head teacher, said leadership model data being developed at least in part from said first leadership style data and said second leadership style data. See p.2.

11.[Claims 27,33, 50, 67]: Regarding Claims 27, 33, 50, and 67, Denison discloses the step of receiving an identification of one or more leadership styles from said plurality of different leadership styles (e.g. by way of Summary Report), said one or more leadership styles being associated at least one of said one or more dimensions (i.e. specific aspects). See p.2.

12.[Claims 28-29,34-35,51-52, 68-69]: Regarding Claims 28-29,34-35, 51-52, and 68-69, Denison discloses providing said head teacher (i.e. manager) or individual responsible for said environment an action plan (i.e. Action-Planning Guide) for improving said selected one or more leadership styles and providing said head teacher or individual responsible for said environment and an action plan for improving at least



one characteristic (i.e. specific aspect) of said head teacher associated with one or more leadership styles. See p.2.

13.[Claim 72]: Regarding Claim 72, Denison discloses wherein said model data (i.e. Summary Report) is developed at least in part from said evaluation data received from said individual that is responsible at least in part for said environment (i.e. manager). See p.2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denison in view of Wadahama (US 6,024,577).**

[Claims 4,18]: Regarding Claims 4 and 18, Denison does not disclose expressly the step of receiving from said classroom teacher or said head teacher (i.e. instructor) a designation of said first plurality of students or employees participating in said classroom teaching environment (e.g. by using voice channels or by sending e-mail messages), said first plurality of students or employees being designated to provide said evaluation data. However, Wadahama teaches such in Col.5: 42-48. Therefore, at

the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Denison, in light of the teaching of Wadahama, in order to inform the classroom teacher or the head teacher of the students' understanding levels during the class.

**Claims 5 13,19,30,39,43-44,46,56,60-61,63, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denison.**

[Claims 5,13,19,30,39,43-44,46,56,60-61,63,75]: Regarding Claims 5,13,19, 30, 39, 43-44, 46, 56, 60-61, 63, and 75, Denison does not disclose expressly wherein said evaluation data received from said first plurality of students/employees identify a perception of a current state of said classroom teaching environment and an indication of an ideal state of said classroom teaching environment, and said evaluation data received from said classroom teacher identify a perception of a current state of said classroom teaching environment and an indication of an ideal state of said classroom teaching environment. Denison does not disclose expressly wherein said evaluation data received from said individual responsible for said environment identify a perception of a current state of said environment and an indication of an ideal state of said environment. The practice of receiving evaluations from individuals participating in an environment of a current state of the environment and an ideal state (e.g., what can be done to make it better or improve) of a classroom teaching environment and receiving an evaluation of a current and ideal state of an environment from an individual responsible for the environment (i.e., self-evaluation) is old and well-known in the art.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Denison in order to provide feedback that can have impact on the teaching environment

***Allowable Subject Matter***

Claims 6-7, 11-12, 20-21, 39-42, 47, 57-59, and 64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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